

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 21ST AUGUST 2006 / 30TH SRAVANA 1928

Bail Appl..No. 3838 of 2006

CC.666/2006 of ADDL.C.J.M., ERNAKULAM
CRIME NO.173/2006 OF HILL PALACE POLICE STATION
.....

PETITIONER/ACCUSED NO.1

DEVAKUMAR, AGED 22 YEARS,
S/O.DEVAPRIYAN, DOOR NO. 206, PERIYA THERUVIL,
THIYOOPHAKOOR KARA, GEORKAZHI TALUK,
NAGAPATTANAM DISTRICT, TAMIL NADU.

BY ADV. SRI.M.J.SANTHOSH

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADDL. D.G.P. V.K. MOHANAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21/08/2006, ALONG WITH B.A.NO.3885/06, CRL.M.C. 1951/06
AND CRL.M.C.1894/06, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

**B.A.Nos.3838/06 and 3885/06 & CrI.M.Cs.1894/06 &
1951/06**

DATED THIS THE 21ST DAY OF AUGUST, 2006

O R D E R

The petitioner in B.A.No.3885/2006 is the third accused, in crime No.173/2006 of Hill Palace Police Station, for the offence punishable under Section 394 IPC read with Section 34 IPC.

2. The prosecution allegation is that the accused, four in number, had committed robbery in the house of the defacto complainant and also inflicted injuries to the wife of the defacto complainant as well as the complainant on 20.3.2006. Thirty grams of gold ornaments were robbed from the possession of the defacto complainant and his wife. The third accused was arrested on 6.4.2006. Hence, he filed the bail application.

3. B.A.No.3838/2006 is preferred by the first accused, in the same crime. He was arrested on 5.4.2006. Hence he preferred the application, under Section 439 Cr.P.C.

4. Both the Criminal M.Cs are filed by the State

for cancelling the bail, granted by the Sessions Court, Ernakulam. Criminal M.C.No.1894/2006 is filed praying to cancel the bail, in respect of the fourth accused, who was arrested on 23.3.2006. He was granted bail on 9.6.2006, with a condition of executing a bond for Rs.20,000/-, with two solvent sureties of which, one shall be a native of Ernakulam and furnishing a cash security of Rs.10,000/-.

5. Criminal M.C.1951/2006 is preferred for cancelling the bail, in respect of the second accused, in the very same crime, crime No.173/2006 of Hill Palace police station, as per the order dated 6.6.2006, by the Sessions Court, Ernakulam. The conditions imposed were to execute a bond for Rs.25,000/-, with two sureties to the satisfaction of the Additional Chief Judicial Magistrate, Ernakulam, and also to appear before the S.H.O of Hill Palace police Station, on every Monday, for three months, from the date of the order.

6. After considering the bail applications as well as criminal M.Cs, I grant bail to the petitioners in the bail applications and release them from jail, subject to

the following conditions:-

(a). Each petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Additional Chief Judicial Magistrate, Ernakulam. The sureties shall produce the solvency certificate to the satisfaction of the learned Magistrate.

(b). The petitioners shall report before the Investigating Officer, once in a week on every Monday, between 10.00 a.m and 11.00 a.m., starting from 28.8.2006, till the final disposal of the case, pending against them.

(c). The petitioners shall not leave the State of Kerala, until the completion of the trial and final disposal of the case.

7. The fourth accused, who had already been granted bail, shall also report before the Investigating Officer, once in a week on every Monday, between 10.00 a.m and 11.00 a.m, starting from 28.8.2006, till the

final trial and disposal of the case.

8. The second accused, who had been granted bail, as per the order dated 6.6.2006, by the Sessions Court, shall report before the Investigating Officer, once in a week, on every Monday, between 10.00 a.m and 11.00 a.m, even after the expiry of the period of three months, mentioned in that order, and continue the reporting, till the final trial and disposal of the case. He shall also not leave the State of Kerala, until the final trial and disposal of the case.

9. The orders in M.C.No.673/2006 and M.C.No.699/2006 of the Sessions Court, are modified to the above effect.

The applications are disposed of accordingly.

J.M.JAMES
JUDGE

mrCS